

**AN ORDINANCE  
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 98, ARTICLE 1, SECTION 98-1 OF THE CITY OF ATLANTA CODE OF ORDINANCES ENTITLED 'SPECIAL POLICE OFFICERS', TO RENAME THESE APPOINTEES, PROVIDE FOR THEIR APPOINTMENT, TRAINING AND TENURE, AND CLARIFY THEIR ROLES AND AUTHORITY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Section 98-1 of the City of Atlanta ("City") Code of Ordinances outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

**WHEREAS**, the term "special police officer" lends itself to misinterpretation and confusion as to the authority and function of such personnel; and

**WHEREAS**, to avoid confusion with police officers, the City's Department of Police ("Department") desires to change the name of special police officers to code enforcement agents; and

**WHEREAS**, the Department further desires to define in detail the functions, roles, authority, training and tenure of code enforcement agents.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That Chapter 98, Article 1, Section 98-1 which reads:

Sec. 98-1. Special police officers.

(a) The police chief or a designee shall have the authority to appoint special police officers who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation or failure to comply with any section of this Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of this Code or ordinance of the city which shall not have been complied with.

(b) All persons appointed or who shall desire appointment as special police officers to operate within the city shall apply to the police chief or a designee for a special permit.

(c) The application for the permit required by subsection (b) of this section shall show the name and address of the applicant, the name and address of the immediate members of the family of the applicant and the applicant's marital status and shall have attached thereto a photograph of the applicant, together with sufficient fingerprints to definitely identify the applicant. The police chief or a designee is specifically authorized to require additional information from the applicant. Upon receipt of the application the police chief

or designee shall cause a complete and thorough investigation to be made of the applicant to determine the applicant's moral, physical and mental qualifications and, upon such determination being made, shall thereafter grant or deny the permit.

(d) Special officers shall include only fire inspectors, health inspectors for Fulton and DeKalb Counties, sanitary code enforcement officers, sanitary route supervisors, City Hall parking lot attendants, building inspectors, plumbing inspectors, zoning inspectors, inspectors for the site development coordinator of the department of public works, parking enforcement officers for the department of public works, housing code inspectors, codes compliance inspectors, taxicab inspectors, the director, bureau of taxicabs and vehicles for hire and administrative assistants within that bureau, corrections officers, water quality control specialists and inspectors for the department of water and industrial waste inspectors for the bureau of pollution control.

be hereby amended to read as follows:

#### Sec. 98-1. Code Enforcement Agents.

(a) The police chief or his or her designee shall have the authority to appoint Code Enforcement Agents who shall not be regular police officers in the department of police but who shall have the power to serve subpoenas, citations and summonses for the violation of, or failure to comply with, any section of this Code or ordinance of the city, the requirements thereof or of any order or direction made pursuant to the provisions contained in any section of this Code or ordinance of the city which shall not have been complied with.

(b) All persons appointed or who shall desire appointment as Code Enforcement Agents to operate within the city shall apply to the police chief or his or her designee for a permit. The police chief or designee may set an expiration date for the permit.

(c) The application for the permit required by subsection (b) shall show the name and address of the applicant, the applicant's job title, place of employment, and department head and shall have attached thereto a photograph of the applicant, together with sufficient fingerprints to definitely identify the applicant. The applicant and his or her department head must sign the application. The department head must attest to the applicant's training for the job and the physical and mental qualifications to be a Code Enforcement Agent. The police chief or his or her designee is specifically authorized to require additional information from the applicant or department head. Upon receipt of the application, the police chief or designee shall cause a criminal history check to be made of the applicant and shall thereafter grant or deny the permit.

(d) Only city employees in job classifications that require enforcement of the City Code are eligible to become Code Enforcement Agents. The chief of police and the commissioner of human resources or their designees will create and maintain a list of such job classifications.

(e) The City Solicitor will train applicants in enforcement procedures prior to their being sworn in.

(f) On satisfactory completion of the enforcement training, the Police Chief or designee will issue badges and identification cards to the Code Enforcement Agents and swear them in.

The police chief or the chief's designee is authorized, in accordance with Georgia law, to administer the oath of office to all code enforcement agents employed by the City of Atlanta. When taken, the agent shall sign the official oath and copies thereof shall be filed with the Fulton county Probate court and in the personnel records of the agent so sworn. That oath shall take the following form:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am duly qualified, according to the City Code of Ordinances and the policies of my department of employment, to perform the duties imposed upon me as a Code Enforcement Agent of the City of Atlanta, Georgia, and that I will, to the best of my ability, discharge the duties thereof.

I further swear that I will enforce the ordinances of the City of Atlanta that are particular to my job assignment, abide by the direction given me by the Office of the City Solicitor and the Atlanta Police Department, and uphold the Ethics Code of the City of Atlanta. In doing so, I will be mindful of the trust that has been placed in me to improve the quality of life and make every effort to live up to that trust. I will not persecute the innocent, nor help to shield the guilty, nor will I be influenced in the discharge of my duties by fear, favor, affection, or reward.

(g) Status as a Code Enforcement Agent does not confer any additional benefits or authority other than specified in this ordinance. A Code Enforcement Agent does not have the power of physical arrest.

(h) The Chief of Police or designee will investigate allegations of abuse of authority by a Code Enforcement Agent; the employing department head will cooperate with the investigation. The Chief of Police or designee may suspend or cancel a person's status as Code Enforcement Agent if he or she fails to meet the requirements or abuses the authority.

(i) The department head of a Code Enforcement Agent must return the badge and identification card to the Police Department if that agent's status is canceled under subsection (h) or if the individual is no longer employed by that department in a qualifying classification.

(j) It shall be unlawful for any person, not authorized as a code enforcement agent, to act as a code enforcement agent or to represent such person as a code enforcement agent or to wear the badge of a code enforcement agent.

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite 

Contact Number: x 6310

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: August 28, 2006

Committee Meeting Date(s): September 12-13, 2006 Full Council Date:  
September 18, 2006


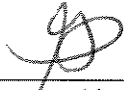
Commissioner Signature  \_\_\_\_\_

**CAPTION**

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FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office: 8.29.06  (date) Reviewed by:  (date)

Submitted to Council: 9/1/06 (date)